IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	§	Group Art Unit: 2192
	§	
Gary Cole	§	Examiner: Yigdall, Michael J.
	§	
	§	Atty. Dkt. No.: 5681-96802
	§	SUN040712
Serial No. 10/006,089	§	
	§	
	§	
Filed: December 6, 2001	§	
	§	
For: System and Method for Managing Information Objects	§	
	§	
	§	

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

This Reply Brief is submitted in response to the Examiner's Answer mailed July 7, 2008. Appellant respectfully requests that the Board of Patent Appeals and Interferences consider this appeal.

REPLY TO EXAMINER'S ANSWER

1. The cited art does not teach or suggest an identity index having a plurality of information object identifiers that are all part of the same virtual identity for a user of multiple computer resources.

Appellants' claim 1 recites an identity index that comprises a virtual identity for a user of multiple computer resources. The virtual identity includes a plurality of information object identifiers each corresponding to a respective information object. The virtual identity also includes, for each information object, a resource name identifying one of the multiple computer resources at which said respective information object is located, wherein the resource name is associated with the respective information object identifier. The identity index also includes a resource definition corresponding to each respective said named computer resource, wherein the resource definition further comprises connection information. An index having this specific structure and meaning is simply not taught or suggested by the cited art. In his Response to Arguments on p. 16 of the Examiner's Answer, the Examiner relies on Hoover's map table 120 as shown in FIG. 7 of Hoover. However, Hoover's map table 120 does not include a plurality of information object identifiers that are all part of the same virtual identity for a user of multiple computer resources (or that define a user of multiple computer resources).

Hoover actually teaches away from the claimed invention. For example, Hoover explicitly teaches that the user of the resources (the data sources on the remote computers) is **not** the person that is associated with any particular object identity or object attribute. (Hoover, col. 29, lines 46-57). Nor does the other cited reference, Dutcher, teach an index for a user of multiple computer resources.

Rather than providing direct evidence that Hoover teaches each and every element of the claim, the Examiner attempts to shift the burden of proof on the Applicant by asserting that there is nothing in Hoover to suggest that Hoover can not meet the claim elements. For example, on p. 18 of the Examiner's Answer, the Examiner asserts that

Hoover's explicit teaching (that the user of the resources is not the person that is associated with any particular object identity or object attribute) somehow does not *imply* that Hoover's system is incapable of providing a virtual for a user of the multiple computer resources. It is not the burden of the Applicant to address such an argument made in the negative. Regardless, the Examiner's argument can not be correct because Hoover's system is actually incapable of providing an identity index having a plurality of information object identifiers that are all part of the same a virtual identity for a user of the multiple computer resources. **In Hoover, it is not possible to look up identify information for a user of the multiple computer resources because Hoover does not index this type of information.** Accordingly, the Examiner's argument fails.

2. The system of the combined references is not capable of functioning as recited in Appellants' claimed invention because Hoover's map table does not index a identity information for a user of the multiple computer resources and Dutcher has no bearing on such an index.

The Examiner asserts that Hoover's system is capable of Appellants' "intended use" and that Hoover's map table differs only in its content. However, the organization and meaning (i.e., content) of data in an index defines its structural operation. Hoover's map table does not index identify information for a user of the multiple computer resources. If Hoover's map table was completely re-written to store index information for a user of the multiple computer resources, then perhaps it would suggest Appellants' claimed invention. However, neither Hoover nor Butcher, whether considered alone or in combination, suggests an identity index for a user of the multiple computer resources that includes a plurality of information object identifiers that are all part of the same virtual identity for a user of multiple computer resources (or that define a user of multiple computer resources). If the Examiner's assertions were accepted, then the first index ever invented would render all other indexes unpatentable. This is not the law. The Examiner cannot ignore the specific requirements of Appellants' claim by asserting "intended use" or "differs only in content."

In his Answer, the Examiner repeatedly states that Hoover's system is not incapable of implementing an index as recited in Appellants' independent claims. The same could be said for any computer-implemented invention. It can always be said that an existing computer is *capable* of being programmed in a various ways or configured to stores various indexes. However, that does not mean that an existing computer anticipates or suggests any particular program or index. Just because Hoover's system is not incapable of implementing an index as recited in Appellants' independent claims, does not mean that the cited art actually teaches or suggests Appellants' claimed invention. The burden of proof is on the Examiner to show that the prior art actually teaches or suggests the claimed invention. *In re Warner*, 154 USPQ 173, 177 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). Merely stating that the prior art is not incapable of implementing the claimed invention proves nothing. Hoover only teaches a map table for information about healthcare patients, and Dutcher teaches synchronizing user accounts on managed servers with those on a central server. Neither reference, whether considered alone or in combination, teaches or suggests an identity index having a plurality of information object identifiers that are all part of the same virtual identity for a user of multiple computer resources (or that define a user of multiple computer resources).

The Examiner's reasoning in regard to the dependent claims argued separately applies the same flawed logic as discussed above.

CONCLUSION

For the reasons presented in this Reply Brief and the Appeal Brief, it is submitted that the Examiner's rejection of claims 1-4, 6, 8-12 and 14-33 was erroneous, and reversal of his decision is respectfully requested.

The Commissioner is authorized to charge any other fees that may be due to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-96802/RCK.

Respectfully submitted,

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